

B. Support for this synergism is provided by the experimental data in the present application. The Colby-value, which stands for the calculated additive effect [%], has to be compared to the observed effect (Damage [%]). The data prove that the inventive mixtures result in a more than simply additive effect. Applicants note that page 9 of the office action indicates that the arguments regarding the synergistic effects of components A and B were found persuasive. Thus, the rejection is based on whether all of the additional components C and D encompassed by the claims result in the same unexpected synergistic effect. As discussed during the interview, components A and B are the essential components and result in a synergistic effect. No further enhancement of the synergistic effect is required. The additional components C and D do not interfere with this effect.

The data reported in the present specification starting at page 44 clearly establishes that the claimed combination of herbicides results in a synergistic effect. It will be noted that in each instance the measured damage to undesirable plants using the claimed combination is higher than the calculated Colby Value E, both with the two components A) and B) used alone and with the two components A) and B) used with optional ingredients. The Colby Value E is a calculation of the expected results of combining herbicides based only on an additive effect (see pages 44-45 of the present application). If the observed effect (Damage [%]) exceeds the Colby Value E, then synergism is present. The data in the present application demonstrates that the claimed inventive mixtures result in more than a simply additive effect. For example, table 3 in

the present application shows that the Colby Value E for the combination of Ia. 29 and compound II is 75% when used against Avena fatua plants. The observed value Damage [%] is 80% and thus synergism is occurring. In table 7, the Colby value E is 36 for control of Galium aparine while the Damage [%] is 50. Therefore the combination of the individual components produces a synergistic effect. The Colby Value E is a prediction of the results of combining individual active ingredients which is why there is no Colby Value E for the individual components. Tables 5-11 in the present application show that the addition of other herbicides (e.g. atrazine or bentazone) do not adversely affect this synergistic effect. As discussed during the interview, component A kills a percentage of certain types of weeds. Component B kills a percentage of the same types of weeds. The combination of component A and component B kills a larger percentage of the weeds than expected, due to a synergistic effect. If the farmer wants to kill other types of weeds which are not killed by components A and B, components C and/or D can be added to the mixture. Components C and D are not expected to result in a synergistic effect with components A and B, components C and/or D are added for further weed control. The essential components in the present invention are components A and B.

Therefore, as shown in examples 3 to 15 of the present application, mixtures comprising components A) and B) demonstrate a significant synergistic effect. The addition of components C and D are not expected to increase the synergistic effect of components A and B, components C and D are added to broaden the range of weeds

which can be controlled. One skilled in the art would be able to determine the required amount of each herbicide to address the specific problem in the field. By providing examples for the inventive mixtures demonstrating substantial increase in activity over the additive effects at different application rates, with different mixing ratios and for a wide variety of important weeds, the invention is supported in a way that one skilled in the art can readily work the invention. In view of the fact that the synergistic effect of components A and B have been found persuasive (see page 9 of the office action), applicants request that this rejection be withdrawn.

Applicants respectfully submit that all of claims 34-59 are now in condition for allowance. If it is believed that the application is not in condition for allowance, it is respectfully requested that the undersigned attorney be contacted at the telephone number below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fee for such an extension together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account No. 02-2135.

Respectfully submitted,

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